

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY G. HERBERT,)	
)	CASE NO. C13-0044-TSZ-MAT
Plaintiff,)	
)	
v.)	ORDER DENYING MOTION FOR
)	APPOINTMENT OF COUNSEL
WALTER LOVELL, et al.,)	
)	
Defendants.)	
_____)	

This matter comes before the Court on plaintiff's request for appointment of counsel. The Court, having reviewed plaintiff's request and the balance of the record, does hereby find and ORDER as follows:

(1) Plaintiff's request for appointment of counsel (Dkt. 18) is DENIED. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Excalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional

01 circumstances requires an evaluation of both the likelihood of success on the merits and the
02 ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues
03 involved. *Wilborn*, 789 F.2d at 1331.

04 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that,
05 in light of the complexity of the legal issues involved, he is unable to articulate his claims *pro*
06 *se*. Thus, plaintiff has not demonstrated that this case involves exceptional circumstances
07 which warrant appointment of counsel at the present time.

08 (2) The Clerk shall direct copies of this Order to plaintiff and to the Honorable
09 Thomas S. Zilly.

10 DATED this 15th day of April, 2013.

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13 Mary Alice Theiler
14 Chief United States Magistrate Judge
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